

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF WALTER WHITE FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM DUGGER CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 4192

On April 9, 1979, an application was filed in the office of the Water Resources Director by Walter White for approval of a change in point of diversion from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530, for certain rights as follows:

Irrigation of a certain 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of 1890, as described by the certificate issued to Mrs. M. A. Overman and recorded at page 1702, Volume 3, State Record of Water Right Certificates;

Irrigation of a certain 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., with dates of priority of 1895 for 4.0 acres and 1910 for 16.0 acres, as described by the certificate issued to W. E. Gordon and recorded at page 1691, Volume 2, State Record of Water Right Certificates;

Irrigation of a certain 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 34.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of December 28, 1926, as described by the certificate issued to Mrs. K. F. Hughes and recorded at page 7635, Volume 7, State Record of Water Right Certificates.

As modified in accord with the provisions of the order of the Water Resources Director, entered May 31, 1978, approving transfer No. 3891, the authorized point of diversion for said rights is now located 1280 feet South and 1240 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 970 feet South and 590 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application

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should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original three points of diversion under the subject rights, located (Gallaher Ditch) 220 feet South and 770 feet West from the Center Corner of Section 30, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, under a date of priority of 1890 for 3.5 acres; (Milton-Freewater & Hudson Bay's Ditch) 970 feet South and 590 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, under a date of priority of 1895 for 4.0 acres and 1910 for 16.0 acres; and (Kirk Ditch No. 4) 300 feet North and 700 feet East from the Southeast Corner of Section 30, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, under a date of priority of December 28, 1926 for 39.0 acres, all in Township 6 North, Range 35 East, W.M.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

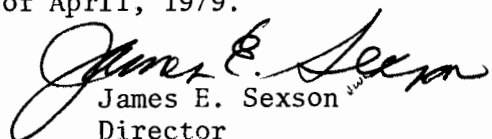
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

The order of the Water Resources Director entered May 31, 1978, approving transfer No. 3891 provided for cancellation of the certificates of water right recorded at page 1691, Volume 2; page 1702, Volume 3; and page 7635, Volume 7, State Record of Water Right Certificates; and issuance of new certificates upon receipt of proof of completion of the works authorized therein; therefore,

It is FURTHER ORDERED that NO new certificates be issued as provided by the order entered May 31, 1978 approving transfer No. 3891; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 30th day of April, 1979.


James E. Sexson
Director